



sector 18  
GP1623/18  
A3

PATENT  
ATTORNEY DOCKET NO.: 038134-5001-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mark E. Davis et al.

Application No.: 09/339,818

Filed: June 25, 1999

For: LINEAR CYCLODEXTRIN COPOLYMERS



Examiner: Unassigned

Group Art Unit: 1623

Assistant Commissioner for Patents

**BOX MISSING PARTS**

Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed July 29, 1999.

A copy of the Notice To File Missing Parts Of Application-Filing Date Granted (Form PTO-1533) is enclosed.

2. Declaration Or Oath

☒ [X] No declaration or oath was filed. Enclosed is the original Declaration.

☐ [ ] The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ [ ] The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.



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3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☒ Verified Statement(s) that this is a filing by a small entity  
☒ is attached

☐ was filed on \_\_\_\_\_.

5. Fee Calculation

|   |              |              |               |            |
|---|--------------|--------------|---------------|------------|
| Basic Fee:  |              |              |               |            |
| Patent Application-\$760.00   |              |              |               | \$760.00   |
| Design Application-\$310.00   |              |              |               |            |
|   | Number Filed | Number Extra | at a Rate of  |            |
| Total Claims  | 65 - 20 =    | 45           | \$18.00 each= | \$810.00   |
| Independent Claims  | 7 - 3 =      | 4            | \$78.00 each= | \$312.00   |
| Multiple dependent claim(s), if any   |              |              | \$260.00      | \$260.00   |
| Missing Parts Surcharge Fee   |              |              | \$130.00      | \$130.00   |
| SUB-TOTAL =   |              |              |               | \$2,272.00 |
| Reduction by 1/2 for filing by a small entity   |              |              |               | \$1,136.00 |
| SUB-TOTAL =   |              |              |               | \$1,136.00 |
| Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d)) |              |              | \$130.00      | +          |
| Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))            |              |              | \$130.00      | +          |
| TOTAL FILING FEE =  |              |              |               | \$1,136.00 |



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6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

| <u>Total months requested</u>         | <u>Fee for extension</u> | <u>[fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month    | \$ 110.00                | \$ 55.00                      |
| <input type="checkbox"/> two months   | \$ 380.00                | \$190.00                      |
| <input type="checkbox"/> three months | \$ 870.00                | \$435.00                      |
| <input type="checkbox"/> four months  | \$1,360.00               | \$680.00                      |

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

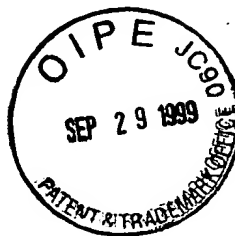
☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

|                                       |                   |
|---------------------------------------|-------------------|
| The total fee due is: Completion Fees | <u>\$1,136.00</u> |
| Extension Fees                        | <u>\$ 0.00</u>    |
| Total Fee Due                         | <u>\$1,136.00</u> |

☒ Enclosed is a check in the amount of \$ 1,046.00 representing the small entity filing fee of \$380.00, \$130.00 for multiple dependent claims, \$65.00 for Missing Parts fee, \$471.00 out of \$561.00 for additional claims fee.

☒ Please charge \$90.00 to Deposit Account No. 50-0310 to cover the remainder of the additional claims fee. Also, **except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.



8. Additional papers enclosed.

- ☒ Small Entity Statement
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Christine S. Lee

Reg. No. 42,788

Date: September 29, 1999

**CUSTOMER NO. 009629**

**MORGAN, LEWIS & BOCKIUS LLP**

**1800 M Street, N.W.**

**Washington, D.C. 20036**

**(202) 467-7000**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
|--------------------|---------------------|-----------------------|---------------------------|

09/339,818 06/25/99 DAVIS

M 038134-50010

009629  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON DC 20036-5869

0262/0729



NOT ASSIGNED

1623

DATE MAILED:

07/29/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 2272.00.

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 1600.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 100.00 for 4 total claims over 20.

\$ 100.00 for 1 independent claims over 3.

\$ 100.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ Your filing receipt was mailed in error because your check was returned without payment.

☐ The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9 OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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01 FC:201  
02 FC:205  
03 FC:204  
04 FC:203  
05 FC:202

90.00 CH

09339818  
380.00 OP  
65.00 OP  
130.00 OP  
405.00 OP  
66.00 OP  
38134-5001-01